

ATTACHMENT D

RESOLUTION NO. 16-16

A Resolution of the South Coast Air Quality Management District (SCAQMD) Governing Board determining that the proposed amendments to Rule 1302 - Definitions, and Rule 1325 - Federal PM2.5 New Source Review Program are exempt from the requirements of the California Environmental Quality Act (CEQA).

A Resolution of the SCAQMD Governing Board amending Rule 1302 – Definitions, and Rule 1325 - Federal PM2.5 New Source Review Program.

WHEREAS, the SCAQMD has had its regulatory program certified pursuant to Public Resources Code §21080.5 and has conducted CEQA review and analysis of the proposed amendments to Rules 1302 and 1325 pursuant to such program (SCAQMD Rule 110); and

WHEREAS, the SCAQMD Governing Board finds and determines that the proposed amendments to Rules 1302 and 1325 are considered a "project" pursuant to CEQA per CEQA Guidelines §15002 (k) – General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA; and

WHEREAS, the SCAQMD Governing Board finds and determines that after conducting a review of the proposed project in accordance with CEQA Guidelines §15061 – Review for Exemption, procedures for determining if a project is exempt from CEQA, the proposed amendments to Rules 1302 and 1325 are determined to be exempt from CEQA; and

WHEREAS, the SCAQMD Governing Board finds and determines that it can be seen with certainty that there is no possibility that the proposed project may have any significant effects on the environment, and is therefore exempt from CEQA pursuant to CEQA Guidelines §15061 (b)(3) – Activities Covered By General Rule for the reasons stated in the attached Notice of Exemption. Further, the proposed project is categorically exempt from CEQA because the proposed amendments to Rules 1302 and 1325, if implemented, are considered actions to protect or enhance the environment pursuant to CEQA Guidelines §15308 – Actions by Regulatory Agencies for Protection of the Environment; and

WHEREAS, SCAQMD staff has prepared a Notice of Exemption for the proposed project, that is completed in compliance with CEQA Guidelines §15062 – Notice of Exemption; and

WHEREAS, the Notice of Exemption, the November 4, 2016 SCAQMD Governing Board letter, and other supporting documentation were presented to the SCAQMD Governing Board and the SCAQMD Governing Board has reviewed and considered the entirety of this information prior to approving the project; and

WHEREAS, the SCAQMD Governing Board has determined that a need exists to amend Rule 1302 - Definitions to correct the SOx major source definition and to improve rule consistency; and

WHEREAS, the SCAQMD Governing Board has determined that a need exists to amend Rule 1325 - Federal PM2.5 New Source Review Program based on the reclassification of the South Coast Air Basin from a "moderate" to a "serious" nonattainment area for the 2006 24 hour PM2.5 standards and to comply with the U.S. EPA's Fine Particulate Matter National Ambient Air Quality Standards implementation rule; and

WHEREAS, the SCAQMD Governing Board obtains its authority to amend these rules from Sections 39002, 40000, 40001, 40440, 40702, 41508, and 42300 et seq. of the California Health and Safety Code; and

WHEREAS, the SCAQMD Governing Board has determined that Proposed Amended Rule 1302 - Definitions and Proposed Amended Rule 1325 - Federal PM2.5 New Source Review Program, as proposed to be amended, are written or displayed so that the meaning can be easily understood by the persons directly affected by the proposed amendments; and

WHEREAS, the SCAQMD Governing Board has determined that Proposed Amended Rule 1302 - Definitions and Proposed Amended Rule 1325 - Federal PM2.5 New Source Review Program, as proposed to be amended, are in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or State or federal regulations; and

WHEREAS, the SCAQMD Governing Board has determined that Proposed Amended Rule 1302 - Definitions and Proposed Amended Rule 1325 - Federal PM2.5 New Source Review Program, as proposed to be amended, do not impose the same requirements as any existing State or federal regulation and the proposed rule amendments are necessary and proper to execute the powers and duties granted to, and imposed upon, the District; and

WHEREAS, the SCAQMD Governing Board has determined that Proposed Amended Rule 1302 - Definitions and Proposed Amended Rule 1325 - Federal PM2.5 New Source Review Program, as proposed to be amended, references the following statutes which the SCAQMD hereby implements, interprets or makes specific; Health and Safety Code 40001, 40440, 40702, 41508, and 42300 et seq. (adoption of rules and regulations); Clean Air Act Sections 172, 173, and 189 (permit requirements for particulates) and 182(e)(2)(offset exemption for air pollution compliance); and

WHEREAS, the SCAQMD Governing Board has determined that there is a problem that Proposed Amended Rule 1302 - Definitions and Proposed Amended Rule 1325 - Federal PM2.5 New Source Review Program will alleviate, such as correcting the SOx Major Polluting Facility threshold and complying with federal CAA requirements as a result of the South Coast Air Basin's reclassification from a "moderate" to a "serious" PM2.5 nonattainment area, to promote the attainment or maintenance of federal ambient air quality standards; and

WHEREAS, the SCAQMD Governing Board has determined that the Socioeconomic Assessment contained in the staff report is consistent with the provisions of the March 17, 1989 and October 14, 1994, Board Resolution for rule adoption and Health and Safety Code Sections 40440.8, 40728.5 and 40920.6; and

WHEREAS, the SCAQMD Governing Board has actively considered the staff report's findings relative to costs and has made a good faith effort to minimize any such impacts; and

WHEREAS, a public hearing has been properly noticed in accordance with the provisions of Health and Safety Code Section 40725; and

WHEREAS, the SCAQMD Governing Board has held a public hearing in accordance with all provisions of law; and

WHEREAS, the SCAQMD Governing Board specifies the manager of Proposed Amended Rule 1302 - Definitions and Proposed Amended Rule 1325 - Federal PM2.5 New Source Review Program, as the custodian of the documents or other materials which constitute the record of proceedings upon which the adoption of these proposed amendments are based, which are located at the South Coast Air Quality Management District, 21865 Copley Drive, Diamond Bar, California; and

WHEREAS, the SCAQMD Governing Board has determined that Proposed Amended Rule 1302 - Definitions and Proposed Amended Rule 1325 - Federal PM2.5 New Source Review Program, should be amended for the reasons contained in the Final Staff Report; and

NOW, THEREFORE, BE IT RESOLVED that the SCAQMD Governing Board does hereby determine, pursuant to the authority granted by law, that the proposed amendments to Rules 1302 and 1325 are exempt from CEQA pursuant to CEQA Guidelines §15002 (k) – General Concepts, §15061 (b)(3) – Activities Covered by the General Rule, and §15308 – Actions by Regulatory Agencies for Protection of the Environment. This information was presented to the SCAQMD Governing Board, whose members reviewed, considered, and approved the information therein prior to acting on the proposed amendments to Rules 1302 and 1325; and

BE IT FURTHER RESOLVED, that the SCAQMD Governing Board does hereby adopt, pursuant to the authority granted by law, Proposed Amended Rule 1302 - Definitions and Proposed Amended Rule 1325 - Federal PM2.5 New Source Review Program, as set forth in the attached and incorporated herein by this reference.

BE IT FURTHER RESOLVED, that the Executive Officer is hereby directed to forward a copy of this Resolution and Proposed Amended Rule 1302 and Proposed Amended Rule 1325 to the California Air Resources Board for approval and subsequent submittal to the U.S. Environmental Protection Agency for inclusion into the State Implementation Plan.

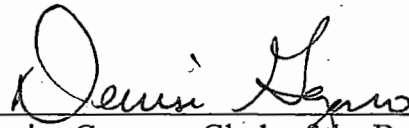
AYES: Antonovich, B. Benoit, Burke, Cacciotti, Lyou, McCallon, Mitchell, Nelson, Parker, Robinson and Rutherford.

NOES: None.

ABSENT: Buscaino and J. Benoit.

DATE:

November 4, 2016


Denise Garzaro, Clerk of the Board